

DECISION NOTICE & FINDING OF NO SIGNIFICANT IMPACT 20 MILE CREEK RESTORATION PROJECT

USDA FOREST SERVICE, CHEQUAMEGON-NICOLET NATIONAL FOREST
GREAT DIVIDE RANGER DISTRICT
BAYFIELD COUNTY, WISCONSIN
T44N, R5W, SECTION 6

Decision and Reasons for the Decision

Background: The purpose for this action (improving the condition of the stream and watershed) is to meet the goals of the 2004 Chequamegon-Nicolet National Forests Land and Resource Management Plan (Forest Plan) and USDA's Watershed Condition Framework (WCF). Twentymile Creek is a high quality Class I native brook trout stream, receiving a good baseflow of groundwater and with consistently cold water temperatures throughout the watershed. The Twentymile Creek Watershed is functioning but at risk. It has benefitted from a large number of activities in the past that have reduced erosion and sedimentation and restored aquatic habitat; however, several conditions remain that require restoration actions to bring the watershed into a fully functioning condition. This is one of several project proposals designed to improve the condition of the stream and watershed.

To meet the purpose and need, a 300 foot stretch of the Twentymile stream channel will be restored by removing a remnant railroad grade crossing, lowering the streambed elevation, and returning a braided section of stream to one channel. The environmental assessment (EA) documents the analysis of the Proposed Action alternative to meet this need.

Decision: Based upon my review of the EA, I have decided to implement the Proposed Action. My decision includes removal of the remnant railroad grade crossing, lowering the tail-water control, and allowing the normal flow to be contained in one channel.

My decision would implement the proposed action as described in the EA (pages 5-7) and includes the actions listed below. My decision includes all site-specific design features listed in the EA and applicable Forest Plan Standards and Guidelines.

- The fill at the crossing will be removed down to floodplain level for a distance of approximately 15 feet on each side of the stream, and tapered back at a slope of 2:1 (EA Appendix C: Figure 2). This will require the removal of about a dozen 3 to 8 in diameter trees from the grade.
- The fill on the northeast side of the channel (approximately 230 cu yards) will be returned to an upland depression further northeast along the south edge of the grade. A similar amount of fill on the southwest side of the channel will be disposed of at a nearby upland site (such as in a gravel pit).
- The remains of the concrete culvert will be hauled away and disposed of in a suitable location. The channel will be restored to a bankfull width of about 15 feet. Stream banks will be reconstructed using an excavator and rock and soil from on site to match the natural form and height of the stream.
- All disturbed soil will be seeded (native or non-invasive mix) and mulched. Silt fence will be installed to prevent sediment movement into the stream until all disturbed areas are revegetated.
- The profile (slope) of the stream will be restored by lowering the tail-water control and streambed in the channel that flows to the right (facing downstream). The channel will be lowered for a distance of about 300 feet to restore a slope of about 1.7 percent (EA Appendix C: Profile Graph).

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- The accumulated gravel and cobble in the stream channel below the grade crossing will be removed down to the historic stream bed elevation by an excavator. The material removed will be disposed of in a nearby Forest Service gravel pit.

The following project design features and mitigation measures (in addition to those required by the Forest Plan) will be utilized:

- No in stream activity will occur between September 15th and April 15th to protect aquatic organism spawning and rearing and avoid danger to hibernating wood turtles.
- A Heritage Resources representative will be on site during construction activities to prevent disturbance of any adjacent cultural resource sites.
- All equipment used in stream will utilize biodegradable hydraulic fluid.
- All construction equipment will be cleaned of mud and weed seeds prior to arriving on site.
- Stream flows will be maintained through the site during construction.
- A fencing barrier will be placed both up and down stream of the work site to prevent wood turtles from entering the site while in the stream.
- A fencing barrier will be placed along the banks of the job site with inside turns to prevent wood turtles from entering the stream or any area where equipment will be working.
- The area of machinery use will be searched prior to its movement, to locate and remove any turtles that may have wandered into the work area
- The following mitigation measures will be utilized to protect potential wood turtle nesting sites: (1) reshape the bank and smooth contours when re-vegetating exposed stream banks; (2) partially cover stabilization structures with sod and revegetate with species similar to those growing on the adjacent bank; (3) vary the rock size and utilize native rock for rip rap and within-water rock structures; and (4) maintain natural stream meanders when making within-stream improvements (Guideline).
- The Biological Evaluation will be reviewed if any new information or species location is obtained prior to or during completion of the project. If any Federal or RFSS species are observed in the project area prior to or during project implementation, the project and effects would be reviewed and potential mitigation measures identified.

My decision will:

1. Restore the stream's natural hydrology
2. Reduce the inflow of sediment to the stream from the eroding railroad grade
3. Improve the aquatic and riparian habitat

Other Alternatives Considered: No other alternatives were considered, although taking no action was an option.

Public Involvement

This proposal was first listed on the Forest's Quarterly Schedule of Proposed Actions (SOPA) in April 2012. This Schedule was mailed to parties that have indicated interest in projects that occur on the Forest and is available on the World Wide Web at <http://www.fs.usda.gov/projects/cnnf/landmanagement/projects>. The official comment period for the 20 Mile Creek Restoration Project was initiated on April 20, 2012 when the opportunity to comment was published in The Daily Press, Ashland, Wisconsin. A letter announcing the official comment period for this project was sent to 65 parties who were thought to be interested in or affected by the proposal. The

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mailing included other agencies, local governments, local tribal representatives and the public. During the comment period, the Forest Service received two responses; one offering support of the project and the other indicating no concerns. The information packet, mailing lists, and comment letters are filed in the project record (Public Involvement folder).

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. I base my finding on the following:

Context: the context of this action is limited. The effects are confined to a 1-acre site. They will not have widespread impacts at regional, state or national levels.

Intensity: The intensity of effects is minor. I have considered the following factors in evaluating the intensity of effects:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** My finding of no significant environmental effects is not biased by the beneficial effects of the action. I have considered and disclosed adverse impacts individually to determine significance and did not use beneficial impacts to “balance” out the significance of adverse impacts (EA, p. 8-17).
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety. The proposed activities are not expected to cause any effects to human health or result in meaningful adverse environmental consequences. The Proposed Action will have a positive effect by restoring the aquatic and riparian area habitat (EA, p. 8-11).
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area such as heritage resources, wetlands, wild and scenic rivers, roadless areas, or ecologically critical areas. There are cultural resource sites within the project area but they will not be impacted by the project activities (EA, p. 16-17).
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. No scientific controversy over the impacts of the project surfaced from internal and public scoping and comment (EA, p. 8).
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with the types of activities to be implemented. This action has occurred in the past in this area, and the effects are well-known. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA p. 8-17).
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because this action has been considered in the Forest Plan and has occurred frequently in the past. It is not a new or unique action. It is not an action that would lead to a future action without precedent. The scope of my decision is limited to local actions to be undertaken over a specified time period, and these actions do not establish a decision for future actions (EA, p. 2-6).
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. The effects of the action are limited to the local area and there are no other effects that would be additive to the

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effects of the proposed action. No effects for any resource exceeded the threshold of effects and no adverse cumulative effects were identified. For the sensitive species analyzed, there were no adverse direct or indirect effects from project activities, and therefore by definition no cumulative effects were present (EA, p. 8-17).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. Cultural resource sites were identified adjacent to and within the project area. One site was evaluated by the State Historic Preservation Officer and found to be ineligible for the National Register of Historic Places in 2008. The action will not cause loss or destruction of significant scientific, cultural, or historical resources. All areas that may be affected by the project have been subjected to cultural resource survey & reports for this survey has been or submitted to the State Historic Preservation Officer (SHPO) for review and comment. In all instances, SHPO has concurred with the findings presented in these reports, including protective measures that have been established for each recorded cultural resource. With completion of surveys, development of protective measures for each recorded cultural resource, and stipulations developed for the treatment of unanticipated discoveries, the Forest Service has satisfied all provisions of 36 CFR 800, Protection of Historic Properties (EA, p. 16-17).
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. Two federally listed species were evaluated in detail. This review concludes there will be “no effect” on any federally-listed species. Populations or habitat of threatened or endangered species would not be altered in a detrimental way from implementation of any alternative. (EA, p. 12-16).
10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA, p. 7, 12, and 16). The action is consistent with the Chequamegon-Nicolet Land and Resource Management Plan (EA p. 4-5).

Findings Required by Other Laws and Regulations

NATIONAL FOREST MANAGEMENT ACT (Forest Plan Consistency)

The 20 Mile Creek Restoration Project implements the 2004 Chequamegon-Nicolet National Forests Land and Resource Management Plan (Forest Plan). As required by NFMA Section 1604(i), I find this project to be consistent with the Plan.

This decision to restore this 300 foot segment of stream is consistent with the intent of the forest plan's long term goals and objectives. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines. More specifically, this action is consistent with Goal 1.3 – Aquatic Ecosystems: “provide for ecologically healthy streams, riparian areas, lakes, and wetlands including a decline in the occurrence of exotics” (Forest Plan, p. 1--2); Objective 1.3e- “Improve or restore aquatic/riparian habitat in streams and lakes” (Forest Plan, p. 1--3); Objective 1.3g- “Protect and restore cold-water stream communities by maintaining Class I, II, and segments of Class III trout streams and their tributaries in a free-flowing condition” (Forest Plan, p. 1--3); and Goal 1.5- Wildlife and Fish Habitat- “Conserve habitat capable of

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supporting viable populations of existing native and desired non-native species, and retain the integrity and function of key habitat areas” (Forest Plan, p. 1--4).

CLEAN WATER ACT

My decision includes incorporation of all requirements of the Clean Water Act. All required permits (EA, p. 7) will be acquired prior to implementation. Forest Plan standards and guidelines are intended to serve as best management practices for the protection of water quality in compliance with the Clean Water Act. My decision incorporates the best management practices that are applicable to this project.

ENDANGERED SPECIES ACT

Threatened and Endangered species are those species covered by the Federal Endangered species Act (19 USC 1536(c), 50 CFR 402.12 (f), and 402.14 (c)) and listed by the USDI Fish and Wildlife Service (FWS) or National Marine Fisheries Service. Potential impacts to federally listed species were considered in this analysis (EA, pages 12-16). Consultation with the U.S. fish and Wildlife Service was not necessary due to the determination of “no effect” for federally listed species (Biological Evaluation, page 6).

NATIONAL HISTORIC PRESERVATION ACT

In compliance with this act, surveys were completed to identify sites potentially eligible for the National Register of Historic Places. The remnant culvert was evaluated and found to be ineligible by the State Historic Preservation Office (SHPO) in 2008, and can be removed without further documentation or consultation (EA, p. 17). My decision includes all recommendations provided by the Forest Archaeologist (as described in the EA on page 17) for protection of cultural resources that have not yet been evaluated.

BEST AVAILABLE SCIENCE

My decision is based on a review of the record that shows consideration of relevant scientific information including responsible opposing views, and as appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

As only supportive comments were received during the 30-day Notice and Comment period, this decision is not subject to appeal pursuant to 36 CFR 215.12 (e) (1). This decision may be implemented immediately following publication of a legal notice in the Daily Press, Ashland, WI]

CONTACT

For additional information concerning this decision or the Forest Service appeal process, contact Deb Proctor, NEPA Coordinator, Chequamegon-Nicolet National Forest (CNNF), Great Divide Ranger District, P.O. Box 896, Hayward, WI 54843, 715-634-4821 ext. 325 or Jim Mineau, Hydrologist, CNNF Supervisor's Office, at 715-762-5182.

/s/Constance Cummins

6/27/12

CONSTANCE CUMMINS
District Ranger

Date